

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

IN RE: T-MOBILE CUSTOMER DATA	)	MDL No. 3019
SECURITY BREACH LITIGATION	)	
	)	Master Case No. 4:21-md-03019-BCW
	)	
	)	
	)	

**PLAINTIFFS' UNOPPOSED MOTION TO APPOINT CLAIMS REFEREE  
AND SUGGESTIONS IN SUPPORT**

Plaintiffs are working towards being in a position to distribute the Settlement Fund to claimants as soon as possible. As previously previewed to the Court, two final steps remain to achieve the goal of distributing the Settlement Fund: (1) the Court's issuance of its orders on the unopposed fee motions for Settlement Class Counsel and Objector Hampe that it took under advisement in October (Docs. 253, 259), such that the final amount of the Settlement Fund to be distributed can be calculated; and (2) resolution of a small number of final appeals by claimants pursuant to the Court-approved Consumer Benefits Plan (discussed in detail below), which Plaintiffs aim to have resolved by the end of December 2024.

In order to effectuate the final claimant appeals, Plaintiffs, by and through their counsel, respectfully move for an order appointing Judge Jay Daugherty (Ret.) to serve as the Claims Referee for these appeals. Defendant T-Mobile does not oppose this appointment.

In support of this motion, Plaintiffs state as follows:

1. On July 22, 2022, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement. Doc. 158. In support of that motion and in conjunction with the Settlement, Plaintiffs filed the Proposed Consumer Benefits Plan. Doc. 158-2.

2. The Proposed Consumer Benefits Plan provided the following: “If a Settlement Class Member disputes a determination in writing . . . and requests an appeal, Class Counsel shall propose that the Court appoint a claims referee to be paid from the Net Settlement Fund. The Settlement Administrator shall provide the claims referee a copy of the Settlement Class Member’s dispute and Claim Form along with all documentation or other information submitted by the Settlement Class Member. The claims referee’s approval or denial of the Settlement Class Member’s claim, in whole or part, will be final.” *Id.* at ¶ 11(b).

3. On July 26, 2022, the Court preliminarily approved the Class Action Settlement, which included the Consumer Benefits Plan. Doc.162. On June 29, 2023, the Court issued a final approval order and judgment approving the Class Action Settlement, which included the Consumer Benefits Plan. Doc. 235.

4. Pursuant to the Consumer Benefits Plan, the Settlement Administrator has identified approximately 40 Settlement Class Member claim appeals requiring a Claims Referee.

5. Class Counsel have selected as the proposed Claims Referee Judge Jay Daugherty who is based in Kansas City, Missouri, an experienced retired judge, and an active arbitrator and mediator who practices with Jay Daugherty Mediation & Arbitration. Judge Daugherty is willing to serve as the Claims Referee for this case at the rate of \$565.00 per hour which will be paid from the Settlement Fund. Plaintiffs anticipate he will need to spend approximately an hour or less on each appeal. Attached hereto as Exhibit 1 is the curriculum vitae of Judge Daugherty.

6. In accordance with the parties’ Settlement Agreement and the Consumer Benefits Plan, approval or denial of a Settlement Class Member’s claim by the Claims Referee will be final and unreviewable and will facilitate distribution of the Settlement funds to the Class. Doc. 235-2 at ¶ 11(b).

7. Defendants do not oppose this motion to appoint Judge Daugherty to serve as the Claims Referee in accordance with the Consumer Benefits Plan.

Dated: November 8, 2024

Respectfully Submitted,

/s/ Norman E. Siegel

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